IN RE: PETITION FOR ADMINISTRATIVE * BEFORE THE ZONING VARIANCE NEC Terrapin Road and Old Forest Road 3301 Terrapin Road 3rd Election District 2nd Councilmanic District

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 93-127-A

Steven Mosgin, et ux Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side street setback of 26 ft., in lieu of the required 40 ft., for a bedroom addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 197 day of November, 1992 that the Petition for a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side street setback of 26 ft., in lieu of the required 40 ft., for a bedroom addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order: however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

LES/mmn

- Baltimore Ce 🥒 & Government - 🐷 Zoning Gramissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MĎ 21204

(410) 887-4386

November 18, 1992

Mr. and Mrs. Steven Mosgin 3301 Terrapin Road Pikesville, Maryland 21208

> RE: Petition for Administrative Zoning Variance Case No. 93-127-A 3301 Terrapin Road

Dear Mr. and Mrs. Mosgin:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

for the property located at 330/ 1877 18 18

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

which is presently zoned This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

The undersigned, legal owner(s) of the property situate at partitions.

hereto and made a part hereof, hereby petition for a Variance from Section(s) To allow a side street setlack of 26' in lieu of the require 40'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, findicate hardship or practical difficulty) the betroom wing faces the road & anywhere we add aste within the bedroom wing was over the stracts because the house is a corner property situated focine the

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and ere to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Whe do solemnly declare and affirm, under the penalties of perjury, that if we are the legal owner(s) of the property which is the subject at this Petit Attorney for Petitioner

ESTIMATED POSTING DATE:

ITEM #: 129

Juning Commissioner of Baltimore County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 3301 Terrapin Rd

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative A 4th bedroom 10 needed for a 3rd child on the way. The bedroom wing faces the street of anywhere we add onto within the bedroom wing zoes over the sethact (being a corner property situated facing the intersection of both streets It we are denied we would

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and I HEREBY CERTIFY, this 17 haday of 5 and 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Steven Morgen and Nodene Morgen the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal. Sept. 17, 1992

DESCRIPTION OF PROPERTY OF STEVEN M. MOSGIN 3301 TERRAPIN ROAD LOT 2, BKOCK D, SECTION 4, DUMBARTON HEIGHTS 26/44

Beginning for the same at the intersection of the south side of Old Forest Road and the east side of Terrapin Road, said point also being the northeastern most corner of Lot 2 Block D, Section 4, as shown on the Plat "Dumbarton Heights", recorded among the Land Records of Baltimore County in Plat Book 26/44, thence running and bind ing on the outlines of said Lot 4 the following five courses and distances, viz: (1) binding on the south side of Old Forest Road, a curve to the right having a radius of 391.89 feet for a distance of 199.15, said curve being subtended by the chord North 54 degresss 13 minutes 28 seconds East 197.01 feet, thence leaving said south sde of of Forest Road (2) South 21 degrees 13 minutes 00 seconds East 150.00 feet, thence (3) South 58 degresss 02 minutes 50 seconds West 155.29 feet to intersect the east side of Terapin Road, thence binding thereon (4) a curve to the left having a radius of 385.64 feet for a distance of 123.71 feet, said curve being subtended by the chord North 41 degrees 08 minutes 35 seconds West 123.18 feet, thence (5) North 5 degrees 20 minutes 00 seconds West 14.14 feet to the place of beginning. Containing 26,485 square feet or 0.608 acres more or less.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Petitioner: 5/Even 4 Nadino Mosgin Location of property: NIELOS TETERIN FOLL FERST PUL 330/ Temapin Ad Location of Signes: Facing road way on property of Patitioner

Baltimore County Government Office of Zoning Administration and Development Management

November 9, 1992

(410) 887-3353

Mr. and Mrs. Steven Mosgin 3301 Terrapin Road Pikesville, MD 21208

111 West Chesapeake Avenue

l'owson, MD 21204

RE: Case No. 93-127-A, Item No. 129 Petitioner: Steven Mosgin, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Mosqin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

My Commission Expires: July 1, 1993

reluteration be freed to se'll of move.

Baltimore County Government 💆 Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 2120-r

(410) 887-3353

Your petition has been received and accepted for filing this 14th day of October, 1992.

Received By:

Zoning Plans Advisory Committee

Petitioner: Steven Mosgin, et ux Petitioner's Attorney:

DPW/Developers Engine ng Division (Public Servi Development Review Commistee Response Form Authorized signature Project Name File Number Walver Number Zoning Issue Meeting Date / Steven and Nadine Mosgin 11-2-92 DED DEPRM RP STP TE Edward L. And Linda M. Gittings DED DEPRM RP STP TE Kathleen Gaiser DED DEPRM RP STE RP Charles E. Anderson comment DED DEPRM RP STP TE Richard E. Shetrone Jay E. Boyd Fred C. and Soung O. You John and Barbara Taylor Jose and Janice S. Lopez Russell L. Elliott Nick J. and Koula I. Proakis DED DEPRM RP STP TE Daniel T. and Sharon L. Wollfrey Mark N. and Deborah A. Cleaver NG

Maryland Department of Transportation State Highway Administration

Ms. Julie Winiarski

Zoning Administration and

Development Management

111 W. Chesapeake Avenue

Towson, Maryland 21204

Dear Ms. Winiarski:

County Office Building

Room 109

O. James Lighthizer Secretary Hal Kassoff Administrator

Re: Baltimore County

John Contestabile, Chief

Engineering Access Permits

This office has reviewed the referenced item and we have no objection to approval as it

does not access a State roadway and is not effected by any State Highway Administration

Please contact David Ramsey at 410-333-1350 if you have any questions.

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free

707 North Calvert St., Baltimore, Maryland 21203-0717

Thank you for the opportunity to review this item.

Item No.: # 129 (RT)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: November 5, 1992 Zoning Administration and Development Management

FROM: Ervin Mc Daniel, Chief Office of Planning and Zoning Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee (November 2, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Steven and Nadine Mosgin, Item No. 129 Kathleen Gaiser, Item No. 135 Richard Shetrone and Jay Boyd, Item No. 137 John and Barbara Taylor, Item No. 139 Jose & Janice Lopey, Item No. 141 Nick and Koula Proakis, Item No. 143 Daniel and Sharon Woolfrey, Item No. 144 Mark and Deborah Cleaver, Item No. 145 Mike and Patricia Siano, Item No. 146 Randall and Dorothy Pettie, Item No. 147

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EMcD/FM:rdn

129.ZAC/ZAC1

11/09/92 DPW/Traffic Engineering Development Review Committee Response Form
Authorized signature Project Name Meeting Date Zoning Issue Waiver Number File Number ✓ Steven and Nadine Mosgin Project Name 11-2-72 File Number Waiver Number Zoning Issue DED DEPRM RP STP TE Keys Development Corporation V Edward L. And Linda M. Gittings DED DEPRM RP STP TE DED DEPRM RP STP TE Steven J. and Beverly A. Timchula Kathleen Gaiser DED DEPRM RP STP TE DED DEPRM RP STE RP Steven M And Deborah S. Faulkner Charles E. Anderson 136 DED DEPRM RP STP TE DED DEPRM RP STP TE Ralph L. and Elsie M. Hackler Richard E. Shetrone Jay E. Boyd DED DEPRM RP STP TE DED DEPRM RP STP TE Theresa Rykaczewski Fred C. and Soung O. You DED DEPRM RP STP TE DED DEPRM RP STP TE Jean Romadka John and Barbara Taylor DED DEPRM RP STP TE DED DEPRM RP STP TE Jose and Janice S. Lopez DED DEPRM RP STP TE DED DEPRM RP STP TE Russell L. Elliott DED DEPRM RP STP TE Steven and Nadine Mosgin Nick J. and Koula I. Proakis Edward L. And Linda M. Gittings Daniel T. and Sharon L. Wollfrey <u>144</u> Kathleen Gaiser / Mark N. and Deborah A. Cleaver V DEERMERE STP 135 NO COMMENTS ┲╾┶╬╫┸┑┧┾╚╓╃╒╼╙┇╬┰┯╧╩╚┲╓┰╧╩┰╓╾╩┺╅┎┵╧╩╅┺┲╾╅╩┺┲╼═┸╅┲┺╾═╩┱┎╒╸ Egaptes E. Anderson 136 WRITTEN COMMENTS. Richard E. Shetrone Jay E. Boyd

DEPRM: RP

Department of Environmental Proxection & Resource Management Development Review Committee Research Factory

Authorized signature

Date //-24-92 11/23/92 Meeting Date 11-16-92 WRITTEN COMMENTS NO COMMENTS NO COMMENTS IN PROCESS NO COMMENTS WHITTEN COMMENTS Residuary T. of Milton Schwaber - Carroll Independent Fuel NO COMMENTS NO COMMENTS

NO COMMENTS

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

OCTOBER 2, 1992

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: STEVEN MOSGIN AND NADIN MOSGIN

Location: #3301 TERRAPIN ROAD Item No.: #129 (RT)

Zoning Agenda: NOVEMBER 2, 1992 ダミレノネラ・201 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Planning Group Fire Prevention Bureau Special Inspection Division

JP/KEK

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

Steven and Nadine Mosgin 3301 Terrapin Road Pikesville, Maryland 21208

Re: CASE NUMBER: 93-127-A LOCATION: NEC Terrapin Road and Old Forest Road 3301 Terrapin Road 3rd Election District - 2nd Councilmanic

Dear Petitioner(s):

111 West Chesapeake Avenue

Towson, MD 21204

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

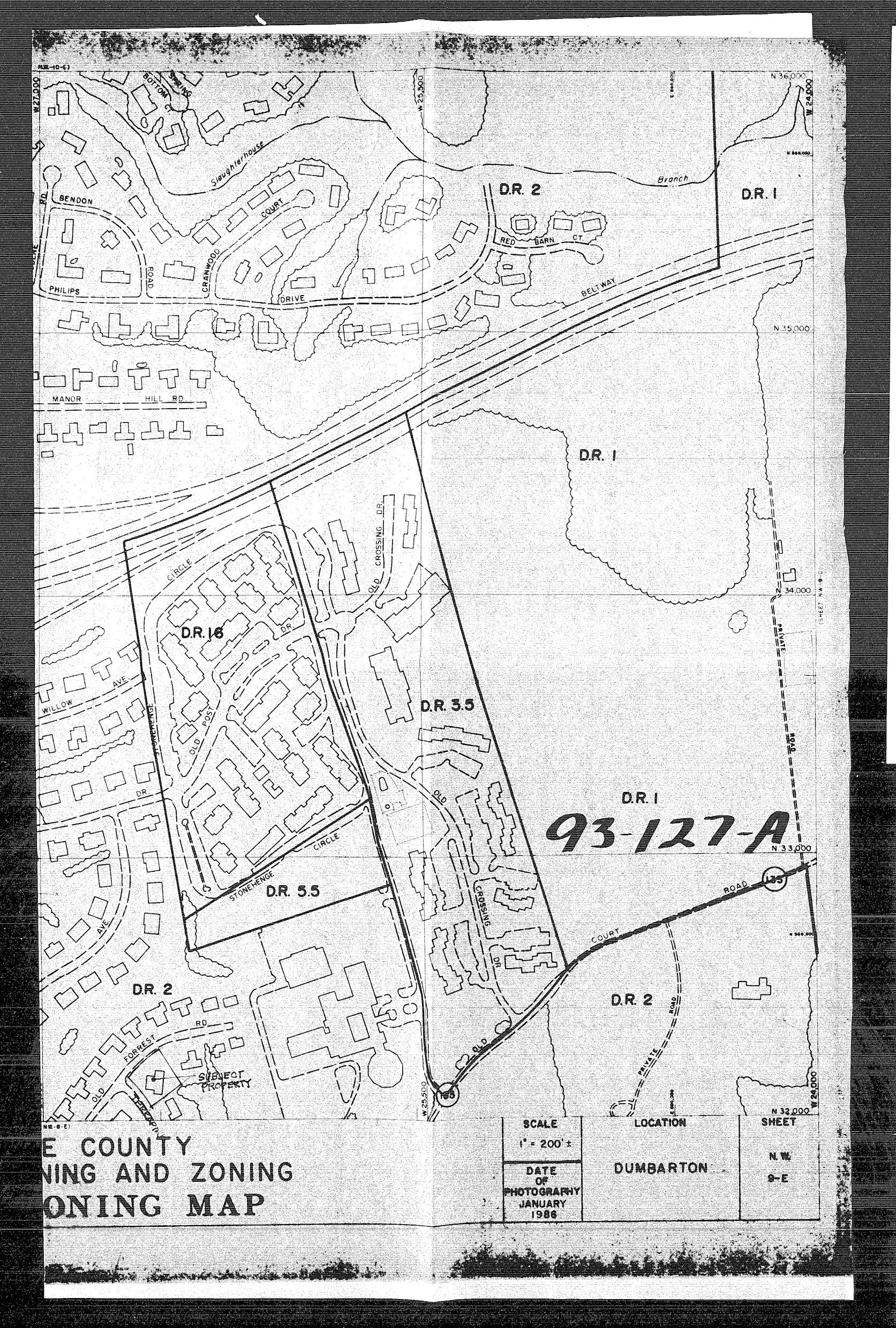
1) Your property will be posted on or before November 1, 1992. The closing date is November 16, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

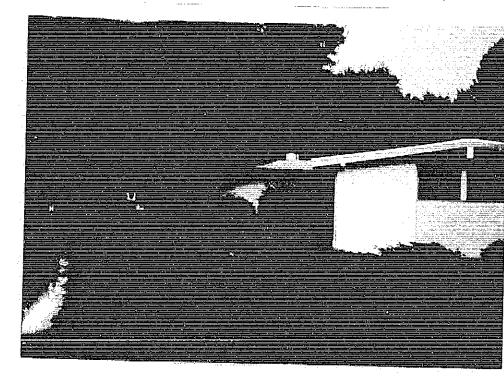
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County



93-127-A

Front from corner and Forest

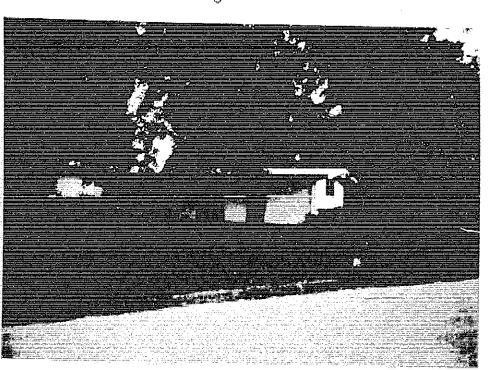


Front looking from Terrapin



93-127-A

Front bothing from Old Forast



Front looking from Old Forest



Front from Old Forset

